

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

JAMES ERIC LOFTEN  
TDCJ-CID #616132

§  
§  
§  
§  
§  
§

v.

C.A. NO. C-05-576

RICK PERRY, ET AL.

**MEMORANDUM OPINION AND ORDER DISMISSING PLAINTIFF'S  
COMPLAINT AND DENYING PLAINTIFF'S MOTION FOR CERTIFIED  
COPIES AND PLAINTIFF'S MOTION TO EXCLUDE**

On January 27, 2006, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 10). Objections were timely filed (D.E. 13), but are without merit. Having reviewed *de novo* the Magistrate Judge's Memorandum and Recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, plaintiff's habeas corpus petition is redesignated as a 42 U.S.C. § 1983 action and dismissed for failure to state a claim and as frivolous. In addition, plaintiff's Motion for Certified Copies (D.E. 11) and plaintiff's Motion to Exclude Memorandum and Recommendation (D.E. 14) are denied. The Clerk is instructed to send a copy of this order to the TDCJ, Office of the General Counsel, P.O. Box 13084, Austin, Texas, 78711, Fax Number (512) 936-2159, and to the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler Texas, 75702, Attention:

Betty Parker.

ORDERED this 28th day of February, 2006.

  
HAYDEN HEAD  
CHIEF JUDGE